

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
AUGUST 15, 1995**

The one thousand seven hundred and twenty-fifth meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 7:00 p.m. in the Council Chambers at Milwaukie City Hall. The following Councilors were present:

Craig Lomnicki,  
Mayor  
Rick Farley

Jean Schreiber  
Rob Kappa  
Don Trotter

Also present:

Dan Bartlett,  
City Manager  
Ted Baird,  
City Attorney  
Brent Collier,  
Police Chief

Maggie Collins,  
Community Development Director  
Greg Drechsler,  
Acting Public Works Director  
Pat DuVal,  
Recorder/Secretary

**PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

**Citizen Commendation**

**Brent Collier**, Police Chief, recognized Tim Campbell for providing first aid to Mr. Osbey until emergency personnel arrived on the scene of an accident. The incident occurred at 17th and McBrod in April 1995.

**AUDIENCE PARTICIPATION** -- None.

**PUBLIC HEARING** -- None scheduled.

**OTHER BUSINESS**

**Contract Award for Building Demolition**

**Greg Drechsler**, Acting Public Works Director, presented the staff report. This is a request to award the contract for the demolition of the recently purchased Britton and Eastman Buildings on McLoughlin Boulevard. The City will also issue a purchase order for asbestos removal prior to demolition activities. He discussed elements of the

contract that included removal of both the buildings and the asphalt. Because of the legal requirements for asbestos abatement, work will not begin until the first of September. Notice to proceed with demolition will be given about September 18 with preliminary restoration by the end of October. Some of the concepts will be brought before the Planning Commission for the final project design.

**Councilmember Farley** asked if it was wise to begin seeding the area late in the year. **Drechsler** said staff would look at the appropriate type of seeding and hydro seeding to apply in the fall.

**Councilmember Kappa** asked how people would be kept out of the site. **Drechsler** said barriers and fences would be installed, and swails would be used for erosion control.

**Bartlett** said there would be a suitable pre-demolition celebration at the site that would include current and previous City Councils, Planning Commissioners, and Riverfront Advisory Commission members.

**It was moved by Councilmember Kappa and seconded by Councilmember Schreiber to authorize the City Manager to award the bid to Northwest Demolition and Dismantling in the amount of \$34,640.**

**Councilmember Trotter** asked if there would be a change order if asbestos were found. **Drechsler** said asbestos has already been found. The dollar amount for asbestos removal is within the acceptable range for a departmental purchase order.

**Motion passed unanimously.**

#### **Intergovernmental Agreement with Clackamas County Fire District #1 for Fire-Rescue Training Services**

**Bartlett** presented the staff report in which City Council was requested to consider adopting a Resolution that would authorize the City Manager to sign an intergovernmental agreement with Clackamas County Fire District #1 for training.

**Councilmember Kappa** asked if the physician advisor services would be included in a subsequent agreement. **Bartlett** said Milwaukie is pleased with its current physician advisor arrangement.

**Councilmember Kappa** asked if all of the items listed were cross training. **Bartlett** said this was full-cycle training for fire department personnel.

**Councilmember Farley** referred to Section 5 of the IGA and asked if the City provided move-up coverage for Fire District #1. **Bartlett** said many times one Milwaukie station will cover for the other. If both engine companies are in training, the City will be covered by mutual aid. He added that a portion of the reimbursement fee covered the shared Training Chief.

**Councilmember Schreiber** asked if the South Metro Fire Marshal's Office was a recognized fire academy. **Bartlett** said South Metro is recognized as a fire training academy. He added that the City Attorney may make a few recommendations to clarify the agreement prior to its signing.

**It was moved by Councilmember Kappa and seconded by Councilmember Trotter to adopt the Resolution approving an Intergovernmental Agreement between the City of Milwaukie and Clackamas County Fire District #1. Motion passed unanimously.**

#### **RESOLUTION NO. 32-1995:**

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE EXECUTION OF A FIRE TRAINING AGREEMENT.**

#### **City Council Goals 1995 - 1997**

**Bartlett** presented the staff report in which the City Council was requested to approve the draft Goals for distribution to City Boards and Commissions for their review and comment. The Planning Commission is the only advisory board or commission that has this document on an upcoming agenda.

**Mayor Lomnicki** asked if City Council was being asked to tentatively adopt these Goals pending commission review: **Bartlett** said there may be feedback from the commissions which could result in a language change.

**Councilmember Farley** said some board and commission members indicated to him that they did not receive notice of the previous Goal Setting work sessions. He said he did not believe this document should be approved in any form until all board and commission members had the opportunity to review it. He added that he did not believe non-residents should be allowed to comment.

**Councilmember Trotter** said he understood that there would be a City Council public hearing for verbal comments. He said he would prefer to set this for public hearing and make a decision based on public input regarding the published draft Goals. Others in the City who may not be a board or commission member would still be able to testify.

**Councilmember Kappa** said his preference would be to go through the process of inviting members to a work session or public hearing for comment. He said he would like to accelerate the process and have the Goals adopted by the end of September.

**Councilmember Schreiber** said the City Council has held many sessions, and these Goals are a product of that effort. She described further meetings as a campaign. She did not believe these statements would bring out residents who objected to the issues or wished to modify them. She said she was satisfied with what was presented at this meeting.

**It was moved by Councilmember Schreiber to adopt the Goals for 1995 - 1997. The motion died for lack of a second.**

**Councilmember Trotter** said participants in the initial sessions were told they would be invited back for final comments to complete the process.

**It was moved by Councilmember Trotter and seconded by Councilmember Kappa to schedule a Public Hearing for the adoption of the 1995 - 1997 City Council Goals for the September 5, 1995, Council meeting.**

**Mayor Lomnicki** said he agreed with Councilmember Schreiber, but, in order to keep faith with the public, he would vote to hold the decision over until the next regular City Council session.

**Councilmember Kappa** said he agreed with the Goals as stated, but he felt it was important to fulfill the promises to the participants in the process.

**Bartlett** said staff would mail these goals to each advisory board member with a notice of Public Hearing. He asked if the heading should be revised to "City Council Goals."

**Councilmember Schreiber** asked for clarification of the commitment and to whom it was made. Board and commission members, not everyone in the community, were invited to meet with the City Council to help develop the program. She expressed concern that there might be some opportunity for misinterpretation of the City Council's commitment with the people.

**Councilmember Kappa** recalled that each Neighborhood District Association chair also provided input. He said he felt the chairs represented the Neighborhood District Association constituency.

**Councilmember Trotter** said he believed the participants should have the opportunity to come back for closure. A public hearing would be the most expeditious way to handle it.

**Councilmember Farley** added that this would give people a second chance to participate.

**Mayor Lomnicki** summarized the discussion. The Public Hearing will be scheduled and advertised for the first City Council meeting in September; packets will be mailed to Board and Commission members, Neighborhood District Association chairs, and anyone who attended the previous sessions with Sylvia Rose.

**Motion passed unanimously.**

### **City Boundaries**

**Councilmember Farley** asked if it would be easier to have City boundaries based on streets rather than property lines. He added that he had discussed this with Police Department personnel. **Baird** said he would research this question.

### **Zoning Ordinance**

**Councilmember Trotter** said he wanted to address the issue of the Zoning Ordinance, particularly the variance criteria. Discussion after the last appeal of a Planning Commission action indicated that the variance criteria may not be as clear and objective as they could be. He added that a variance is not a right, but can be granted if certain criteria are met.

**Councilmember Trotter** said he felt the words "unusual conditions" could be interpreted at least two ways. One would be a global interpretation comparing a property with any other in the City. The second would be a more local comparison of the nearby, surrounding area. He stated that the criteria in Section 702.1 is not as clear and objective as it could be. He requested that City Council direct the Planning Commission to review the variance criteria and state whether or not the criteria should be revised.

**Councilmember Schreiber** said she would like to review that section of the Zoning Ordinance before making a recommendation for Planning Commission review.

**Councilmember Trotter** said he wanted a clear and objective standard that would be interpreted in the same manner by all parties. If the global interpretation were followed, it would be difficult to deny a variance anywhere in the City. He added that the history of variances since the last Zoning Ordinance revision does not indicate that any problems have been solved.

**It was moved by Councilmember Trotter and seconded by Councilmember Kappa that the City Council direct the Planning Commission to review Section 702.1 of the Zoning Ordinance and report to the City Council if the Commission feels the standards are clear and objective or if they need to be revised.**

**Councilmember Kappa** discussed uniqueness and the need for clarification of how the variances are applied.

**Councilmember Trotter** said terminology may need clarification and definitions may need to be added. He is asking the Planning Commission to look at the document to see if his concerns are valid.

**Councilmember Schreiber** said she would abstain because she does not have the document about which he is speaking.

**Motion passed 4 - 0 - 1 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Kappa, and Councilmember Trotter aye; no nays; Councilmember Schreiber abstained.**

## **CONSENT AGENDA**

**It was moved by Councilmember Farley and seconded by Councilmember Kappa to adopt the Consent Agenda which consisted of the City Council minutes of August 1, 1995. Motion passed unanimously.**

## **Information**

1. **Councilmember Schreiber** requested a work session on the impact of the Metro planning process and local controls while the infrastructure is being put in place.
2. **Councilmember Trotter** reported that at the last Parks District meeting there was considerable discussion on the function of the Neighborhood District Associations. Their original roles are now complete, so the District is looking at how to continue interaction with these groups. **Councilmember Farley** discussed the need for youth sports fields in the District. Councilmember Kappa asked if there would be a problem between the perceptions of the Parks District and the City. Councilmember Trotter said he did not believe there would be a problem because Milwaukie still owns its own property. He added that the Milwaukie Parks and Recreation Chair is participating in the meetings with the District.
3. **Bartlett** discussed: KOLTT report and the possible future impact on rates, implications of the study, and the upcoming policy decisions.
4. **Bartlett** commented on the DEQ cleanup information on the Park District's SP East Milwaukie Site; SB 1156 information; and the Regional Water Supply Plan.

**Mayor Lomnicki announced an Executive Session pursuant to ORS 192.660 to consult with legal counsel.**

## **ADJOURNMENT**

**Mayor Lomnicki adjourned the meeting at 8:08 p.m.**

*Pat DuVal*

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Pat DuVal, Recorder/Secretary

## **EXECUTIVE SESSION**

Mayor Lomnicki called the Executive Session to consult with legal counsel to order. Present were Council, City Manager, City Attorney, and staff. The City Attorney reviewed cases of potential litigation which have been submitted to the insurance company.

The meeting was adjourned at 9:15 p.m.

*Dan Bartlett*

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Dan Bartlett, City Manager